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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,394	03/28/2005	Pilgrim Giles William Beart	P08594US00/RFH	6724

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STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314		

EXAMINER	
MURALIDAR, RICHARD V	

ART UNIT	PAPER NUMBER
2838	

MAIL DATE	DELIVERY MODE
11/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/529,394

Applicant(s)

BEART ET AL.

Examiner

Richard V. Muralidar

Art Unit

2838

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 30 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☒ The Notice of Appeal was filed on 28 September 2007. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**BAO Q. VU**  
**PRIMARY EXAMINER**

**Continuation of 11:** As understood by the examiner, applicant's invention involves the use of VELCRO to securely fasten hand-held devices to the surface of an inductive charger, in order to secure the devices.

Applicant argues on page 2 that Martin's [US. 6027225] housing 12 in Fig. 3, 4 is only positionable in one way to receive power, because the loop 13 and corresponding recess 59 align in two directions, but only one direction couples secondary coil 36 to primary coil 45. Applicant is incorrect. If one were to turn housing 12 by 180 degrees such that secondary coil 36 was on the opposite side shown in Fig. 4, the primary 36 and secondary coil 45 would still be in sufficient "proximity" to each other and would still "couple" an amount of power inductively, albeit reduced. Additionally, it is well within the level of ordinary skill, and scope of Martin's invention, to alter the shape and form [see col. 5 lines 60-62 and col. 6 lines 1-6] of the housing 12 such that the coils would essentially lay in a horizontal, central position [if one desired a much larger lamp, for example]. Additionally, it is well within the level of ordinary skill in the art to add second coils 36 and 45 inside the housing 12, for example, to create a much brighter/ higher output lamp.

Applicant argues on page 3 that Koreis [US. 6489745] does not disclose the "in any position" feature. This argument is not well-founded since the rejection is a 35 USC 103(b) type combination between Martin and Koreis, and not Koreis alone.

Applicant argues on page 4 that Koreis does not disclose that the device to be charged should have a substantially smaller footprint than the power transfer surface of the primary unit. This does not appear to be a positively recited limitation of any currently pending claim.

Applicant argues on pages 4-5 that a person of ordinary skill would not focus on the use of VELCRO to attach hand held devices to the surfaces chargers. The examiner disagrees with this assessment. As set out in the previous action, aircraft [such as disclosed in Koreis] are known for steep takeoffs, as well as sudden movements due to turbulence. It would be a trivial matter for one of ordinary skill to add Velcro to the seat back inductive power transfer surface of Koreis for the exact purpose of retaining their devices securely while charging, and not risk having them fall to the floor and be damaged.

The examiner finally notes that KSR forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness; and additionally, that all the claimed elements of applicant's inventions were known in the prior art (e.g. inductive chargers, charging hand-held devices via inductive chargers, and using VELCRO to restrain items on a power transfer surface, etc.) and one skilled in the art could have combined the elements as claimed **by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention-** i.e. the use of VELCRO would keep the devices from sliding off the power transfer surface. Proper motivation/rationale to combine is as given in the office action. See KSR, 127 S. Ct. at 1740, 82 USPQ2d at 1396.

RVM  
11/05/2007